

**BEFORE THE DENTAL BOARD OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE NOTICE OF HEARING FOR**

**RON M. HARSHMAN, D.D.S., RESPONDENT**

**CENTERVILLE, IOWA**

\*\*\*\*\*

**NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER**

**(combined)**

\*\*\*\*\*

**COMES NOW** the Iowa Dental Board (the Board), and Ron M. Harshman, D.D.S., (Respondent), on January 16, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, Settlement Agreement and Final Order.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 7127 on June 12, 1986, by the Board to engage in the practice of dentistry, subject to the laws of the state of Iowa and the rules of the Board.
3. License number 7127 is current and expires August 31, 2010.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2007).

## **SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

The Respondent is charged under Iowa Code Section 153.34(14)(2007) with being unable to practice dentistry with reasonable skill and safety by reason of illness, or habitual use of drugs, intoxicants, narcotics, chemicals, or other types of materials, or as a result of a mental or physical condition.

### **COUNT II**

The Respondent is charged under Iowa Code Section 153.34(4) (2007) with willfully or repeatedly violating a Board rule by failing to maintain records of medications pursuant to 650 IAC 27.11(1)(d)(5), and 16.2(3).

## **STATEMENT OF MATTERS ASSERTED**

5. Respondent was charged by the Board on December 20<sup>th</sup>, 2001, with being unable to reasonably practice dentistry in a safe manner due to chemical dependency issues. Respondent was also charged with violating Board rules regarding record keeping for controlled substances. To resolve those pending charges, Respondent entered into a Stipulation and Consent Order with the Board dated January, 16<sup>th</sup>, 2002, placing Respondent's license to practice dentistry on indefinite probation subject to numerous terms. Respondent's

license was removed from probationary status on June 16<sup>th</sup>, 2006, after the terms of his stipulation had been met.

6. On or about August 28<sup>th</sup>, 2008, the Board received information that Respondent was mail-ordering Tramadol (Ultram) for personal use. The Board also received information that the Respondent is chemically dependent. Respondent subsequently entered a residential evaluating/treatment facility and has been successfully discharged. As part of Respondent's discharge, the evaluating/treatment facility recommended that Respondent be subject to numerous terms and conditions for the maintenance of his recovery.

#### **SETTLEMENT AGREEMENT**

**THEREFORE IT IS HEREBY ORDERED** that Respondent's license to practice dentistry in the state of Iowa is hereby placed on indefinite probation which may be reviewed by the Board at Respondent's request five (5) years from the date of this Order. This probation is subject to the following terms and conditions:

7. Respondent shall immediately comply and document successful compliance with all recommendations of the evaluating/treatment facility.
8. Respondent shall completely abstain from the personal use and possession of alcohol and all controlled substances or drugs in any form unless prescribed by a duly licensed and treating health care provider in consultation with his treating addictionologist. The Respondent shall inform any treating health care provider of his prior chemical dependency prior to accepting any prescription drug and ensure that the treating health care provider consults with his treating

addictionologist before issuing him any prescriptions for controlled substances.

9. Respondent shall participate in the Board's random drug and alcohol screening program. Respondent agrees to submit to testing at the frequency rate determined by the Board. In addition, Respondent shall submit to unannounced random witnessed blood, urine, hair, or breath analysis samples on demand by any agent or designee of the Board. Respondent shall promptly pay all costs associated with all drug and alcohol screenings.
10. Respondent shall immediately surrender both his DEA and CSA drug registrations. Respondent shall not apply for reinstatement of his DEA or CSA registrations without prior written approval of the Board.
11. Respondent shall not administer or dispense Tramadol (Ultram). Respondent shall be limited to prescribing Tramadol (Ultram) only to patients of record utilizing the following protocols:
  - a. Each prescription issued shall be written in triplicate on consecutively numbered prescription pads, with one copy to the patient, one copy for Respondent's records, and one copy to the Board to be filed with Respondent's quarterly report forms to the Board.
  - b. Respondent shall maintain a Tramadol (Ultram) prescription log separate and apart from patient records. This log shall list all prescriptions of Tramadol (Ultram) by date in chronological order, and shall contain the name of patient, quantity and reason for issuance.

12. Respondent shall come under the care of a Board approved certified addictionologist. Respondent shall meet with his addictionologist at a rate to be determined by the addictionologist. Respondent shall sign releases to allow the Board to fully communicate with his addictionologist. Respondent shall promptly document compliance with any and all recommendations made by his addictionologist. Care provided by the addictionologist shall be at Respondent's expense.
13. Respondent shall participate with a chronic pain specialist prior approved by the Board. Respondent shall inform his provider of his prior chemical dependency prior to accepting any prescription drug and ensure that his provider consults with his treating addictionologist before issuing him any prescriptions for controlled substances, including Tramadol (Ultram). Care provided by the chronic pain specialist shall be at Respondent's expense.
14. Respondent shall sign releases to allow for the free flow of information between the Board and all evaluators and treatment providers.
15. Respondent is responsible for ensuring that all his treatment providers submit written quarterly reports to the Board concerning Respondent's treatment and progress. These reports shall include, but not be limited to, Respondent's progress, participation in treatment, and compliance with aftercare requirements. Respondent shall ensure that these reports are submitted prior to the first day of January, April, July, and October, of each calendar year during the probationary period.

16. The Board's approval of treatment providers may be rescinded by the Board for good cause. If the Respondent or treatment provider feels it is necessary to terminate their professional relationship, a written explanation from both parties must be submitted to the Board at least thirty (30) days before termination of the relationship. In either case, Respondent shall submit other names of alternate treatment providers for the Board's approval within fifteen (15) days from the date of the Board's rescission Order or date of discontinuance of care.
17. Respondent shall obtain and work with a local 12-step sponsor and attend meetings of Alcoholics Anonymous or Narcotics Anonymous at least three (3) times each week. Respondent shall document and submit written verification of his attendance at these meetings to the Board. Verification of meeting attendance requires the date, time, and location of the meeting along with a signature or initials of another person in attendance accompanied by a phone number at which the person can be reached for verification.
18. Respondent shall participate in group counseling for people in recovery at a facility prior approved by the Board. Respondent shall attend group counseling sessions at a rate to be determined by the treatment provider. The counseling shall be at Respondent's expense.
19. Respondent shall participate in individual counseling at a facility prior approved by the Board. The Respondent shall attend counseling sessions at a rate to be determined by the treatment provider. The counseling shall be at Respondent's expense.

20. Respondent shall report to the Board in writing within forty-eight (48) hours, any use of any prescription drugs. The report shall include the name and quantity of the prescription, the name and phone number of the prescribing health care provider, the reason for the prescription, and the name and telephone number of the pharmacy where the prescription was filled.
21. Respondent shall disclose to all current and future licensees, employers, and staff in his practice this Order and the Board's December 20<sup>th</sup>, 2001, and January 16<sup>th</sup>, 2002, Orders. The Respondent shall report back to the Board with signed statements from all current and all future employers/employees within fourteen (14) days of the date of this Order and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read these Orders.
22. Respondent shall submit the name of a practitioner or co-worker who regularly observes and/or supervises him in a practice setting to serve as his Worksite Monitor (WSM). The WSM is required to report to the Board any suspected impairment, inappropriate behavior, questionable dental practice, or professional misconduct. In addition, the WSM shall keep the Board apprised of any restriction in the scope of the Respondent's clinical privileges and changes thereof that were the result of or may be affected by the Respondent's impairment. The WSM shall provide written quarterly reports to the Board prior to the first day of January, April, July, and October, of each calendar year during the probationary period.

23. Respondent shall submit monthly reports detailing his compliance with this Order for a period of six (6) months. After six (6) months the Respondent shall submit quarterly reports detailing his compliance with the terms of his Order during the remainder of his probationary period. Respondent shall ensure that the reports are submitted prior to the first day of January, April, July, and October, of each calendar year during the probationary period. These reports shall include, but not be limited to, verification of Alcoholics Anonymous/Narcotics Anonymous attendance and participation with his treatment provider(s).
24. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit one hundred (\$100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for monitoring costs.
25. Respondent shall upon reasonable notice, and subject to the waiver provisions of Board rule 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
26. Periods of residency outside of the state of Iowa may be applied toward period of probation if prior approved by the Board. Any changes in residency must be provided to the Board in writing within fourteen (14) days of departure.
27. Respondent shall fully and promptly comply with all Orders of the Board and statutes and rules regulating the practice of dentistry in Iowa.



28. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.

**FINAL ORDER**

29. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
30. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Notice of Hearing, and waives any objections to the terms of this Settlement Agreement.
31. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
32. Respondent acknowledges that he has the right to be represented by counsel in this matter.
33. This combined Notice of Hearing, Settlement Agreement and Final Order become public records available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
34. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

35. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
36. This combined Notice of Hearing, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
37. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

Ron M. Harshman

Ron M. Harshman, D.D.S.  
Respondent

Subscribed and sworn to before me on December 18, 2008.

Heidi Keller

Notary Public, state of Iowa



This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on January 16, 2009.

Deena R. Kuempel, DDS

DEENA R. KUEMPEL, D.D.S., Chairperson  
Iowa Dental Board  
400 SW 8<sup>th</sup> Street, Suite D  
Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319